



CITY COUNCIL

JAN SUMRALL
DISTRICT NO. 1

ROSE RODRIGUEZ
DISTRICT NO. 2

LARRY M. MEDINA
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

LUIS G. SARIÑANA
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
SEPTEMBER 25, 2001
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Raymond C. Caballero present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Daniel S. Power, Paul Joseph Escobar, Luis G. Sariñana and Anthony Cobos. Absent: None. Meeting was called to order and the invocation was given by Reverend Norlyn Brough, Trinity Church of the Nazarene, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

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RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gifts identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) photograph by artist **Janet Ingram** entitled ***Talisman #1*** offered by the artist.
2. One (1) photograph by artist **Karen Bucher** entitled ***Becky in Her Room*** offered by the artist.
3. One (1) installation by artist **Sam Gilliam** entitled ***Beyond the Blue Door*** offered by the artist.

Ms. Becky Duvall Reese, Director of Museums, thanked the donors for their generous gifts to the City and the Museum of Art. These gifts are from local, as well as national, artists.

Motion made by Representative Sariñana, seconded by Representative Medina and unanimously carried to approve the above Resolution.

Representative Sumrall was not present for the vote.

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Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved under Consent Agenda will be shown with an asterisk {*}).
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Notice of Option to Renew Commercial Lease for a third one-year extension of the Commercial Lease, dated as of November 1, 1998, between **AVIS RENT A CAR SYSTEMS** and the **CITY OF EL PASO**. The Commercial Lease provides for the lease of approximately 5,010 square feet of property more particularly described therein.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor and City Council authorize the temporary placement of a fire department aerial ladder truck in a roped off area at the University of Texas at El Paso Sun Bowl to prominently display a large American flag during the national anthem at the football game on September 29, 2001. The purpose of the display is to create a public display of support and recognition of the efforts of emergency service providers, both locally and nationally, in the wake of the tragic events of September 11, 2001 that will bolster community good-will and patriotism. The aerial ladder basket will accommodate a Firefighter, a Police Officer and a Military Soldier. There will be no reduction of services to the community due to the display.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement between the City of El Paso and the Drug Enforcement Administration (DEA), whereby the DEA will reimburse the City for certain overtime personnel costs incurred during the operation of a task force from October 1, 2001 to September 30, 2002; and that the Chief of Police be authorized to sign and submit all required documentation and forms to request and receive the actual reimbursements.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FOR AND ON BEHALF OF THE EL PASO WATER UTILITIES PUBLIC SERVICE BOARD (PSB) AN EXTENSION TO THE OPTION AGREEMENT AND LEASE DATED SEPTEMBER 28, 1999, BETWEEN THE CITY OF ELPASO AND WEST TEXAS ENERGY LIMITED PARTNERSHIP, ACTING BY AND THROUGH ITS GENERAL PARTNER, ANP WEST TEXAS ENERGY COMPANY, FOR THE LEASE ON 158 ACRES OF LAND IN NORTHEAST EL PASO FOR EVALUATING THE FEASIBILITY OF DEVELOPING AND CONSTRUCTING AN ELECTRIC POWER GENERATING FACILITY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The Mayor is authorized to sign for and on behalf of the City's El Paso Water Utilities Public Service Board (PSB) an extension to an Option Agreement and Lease between the City and West Texas Energy Limited Partnership for an option to lease 158 acres of land in Northeast El Paso for the purpose of evaluating the feasibility of developing and constructing an electric power generating facility. The Extension will expire March 28, 2002.

Mr. Ed Archuleta, Water Utilities General Manager, stated that he was before the Council Members today to ask that they approve the Resolution. He gave the Council background information concerning the power plant regarding the design, acquiring the permits and construction. He noted that American National Power had asked for the extension.

Representative Sumrall commented on the trepidation of the stockholders regarding building in the United States since the September 11th tragedies. She explained that the company is based in the United Kingdom.

Representative Cook stated that he had met with the company on September 11th and stated that the company is still interested in the project. He commended Mr. Archuleta and the Public Service Board in recommending that the extension be limited to six months and not one year.

Mr. Archuleta stated he has met with the company since September 11th and commented on the company's ability to establish contracts with the El Paso Electric Company and others. He added that it is important for the City to have a power plant in El Paso County due to future consumptions of power.

Mayor Raymond C. Caballero commended Mr. Archuleta for the work accomplished on this project.

Representative Medina questioned the 30 year lease with two (2) ten year options and asked if this was approved by the City Council. He asked if the extension on the agenda today was part of the 30 year lease.

Mr. Archuleta responded yes. He explained that two years ago, Council Members approved the option to lease the 158 acres. The company requested two years in order to acquire the permits, etc., in order to ensure that this site was the most optimal. The company has not yet accomplished this and has therefore requested the extension.

Ms. Lisa Turner, citizen, questioned whether the City would be able to receive the right of first refusal on the power produced by the power plant. She explained that she does not want to see the City's water resources utilized in the production of power if the power might be utilized in Montana, Oregon or California.

Representative Cook explained that the company needs to complete their negotiations for supplying power to the El Paso Electric Company, which is the primary reason for locating close to the El Paso Electric Company. He explained that El Paso Electric Company has three options: 1. to build a power plant themselves; 2. buy into the La Union plants or other plants proposed in New Mexico; or 3. to complete this Agreement with American National Power.

Mr. Archuleta added comments regarding the future desalination plant.

Representative Sumrall questioned whether it would be appropriate for Council Members to vote on a resolution encouraging West Texas Energy Limited Partnership to negotiate with the electric company.

Mayor Raymond C. Caballero stated that Council Members could discuss Representative Sumrall's resolution recommendation at a later Council meeting.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. One (1) photograph by artist **James Drake** entitled ***Que Linda La Brisa Lisa, Samantha, Tanya*** purchased from Arts Management at a purchase price of \$1,800.00 with funds provided by Lipscomb Foundation Endowment and Mapel Fund.

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

Three (3) photographs by artist **Gay Block** entitled ***Irene Gut Opydyke, Etsa Heiber, and Amfian Gerasimov*** purchased from the artist at a purchase price of \$1,500.00 with funds provided by private donations raised by Rebecca Krasne.

Representative Sumrall commended Ms. Rebecca Krasne for raising the \$1,500 necessary to acquire the works of art.

Motion made by Representative Sumrall, seconded by Representative Rodriguez and unanimously carried to approve the above Resolution.

Representative Medina was not present for the vote.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to purchase on behalf of the City of El Paso the following work identified further in Exhibit A: (Exhibit on file with this Resolution in the City Clerk's Office).

1. Diptych drawings by artist **David Ford** entitled ***Louisville to El Paso*** purchased from the artist at a purchase price of \$800.00 with funds provided by Apteckar Foundation.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, October 18, 2001, 6:00 p.m. - 7:30 p.m.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Awards Dinner
Licensee: American Institute of Architects
Date: October 19, 2001
Time: 6:30 p.m. - 10:30 p.m.
Charge for Space: \$500.00
Charge for Staff (est.): \$420.00
Charge for Insurance: \$ 40.00
Area(s): Café

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following rental contract for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event: Cocktail Reception
Licensee: Texas-Mexico Bar Association
Date: September 27, 2001
Time: 7:00 p.m. - 9:00 p.m.
Charge for Space: \$500.00
Charge for Staff (est.): \$240.00
Charge for Security: \$120.00
Charge for Insurance: \$40.00
Area(s): Gallery Lobby

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contract on behalf of the Parks & Recreation Department. Funding for this contract is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**GALATZAN RECREATION CENTER
NO. 51510131, SUBOBJECT 202214**

1. CONTRACTOR: Barbara Garza, Aerobics Instructor
DATES: September 19, 2001 thru March 31, 2002
RATE PER CL: \$8.80
MAXIMUM AMT: \$924.00
CONTRACT: 2001/2002-062

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001/2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**NORTHEAST RECREATION CENTER
NO. 51510107, SUB-OBJECT 502215**

1. CONTRACTOR: Lily Tharp, Timekeeper Midnight Basketball
 DATES: September 28, 2001 thru November 30, 2001
 RATE PER GM: \$6.00
 MAXIMUM AMT: \$300.00
 CONTRACT: 2001/2002-063

2. CONTRACTOR: Virgil Tharp, Scorekeeper Midnight Basketball
 DATES: September 28, 2001 thru November 30, 2001
 RATE PER GM: \$6.00
 MAXIMUM AMT: \$300.00
 CONTRACT: 2001/2002-064

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2001-2002 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**AQUATICS
NO. 51010281, SUB-OBJECT 501011**

1. CONTRACTOR: Omar P. Alba, Lifeguard I, Step 1
 DATES: October 1, 2001 thru September 30, 2002
 RATES PER HR: \$6.00
 CONTRACT NO: 2001/2002-103

2. CONTRACTOR: Gilbert Alonzo Jr., Swim Instructor I, Step 1
 DATES: October 1, 2001 thru September 30, 2002
 RATES PER HR: \$5.35
 CONTRACT NO: 2001/2002-104

3. CONTRACTOR: Raymundo Arango, Lifeguard Trainee
 DATES: October 1, 2001 thru September 30, 2002
 RATES PER HR: \$5.25
 CONTRACT NO: 2001/2002-105

4. CONTRACTOR: Justin Berry, Lifeguard II, Step 3
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.80
CONTRACT NO: 2001/2002-106
5. CONTRACTOR: Derek Borrero, Lifeguard II, Step 3
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.80
CONTRACT NO: 2001/2002-107
6. CONTRACTOR: Victor M. Breceda, Pool Attendant, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-108
7. CONTRACTOR: Michelle Cabral, Pool Attendant, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.60
CONTRACT NO: 2001/2002-109
8. CONTRACTOR: Eduardo Calderon, Pool Attendant, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-110
9. CONTRACTOR: Ruby Cobos, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-111
10. CONTRACTOR: Christopher W. Cordova, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-112
11. CONTRACTOR: Amanda Crawford, Lifeguard I, Step 3
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.40
CONTRACT NO: 2001/2002-113
12. CONTRACTOR: Patricia Fernandez, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-114
13. CONTRACTOR: Gabriel Figueroa, Swim Instructor I, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.50
CONTRACT NO: 2001/2002-115

14. CONTRACTOR: Jacklyn Gallegos, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-116
15. CONTRACTOR: Julie A. Garcia, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-117
16. CONTRACTOR: Marta Garcia, Swim Instructor Coordinator, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.50
CONTRACT NO: 2001/2002-118
17. CONTRACTOR: Lillia D. Gutierrez, Swim Instructor II, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.65
CONTRACT NO: 2001/2002-119
18. CONTRACTOR: Erika B. Hernandez, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-120
19. CONTRACTOR: Jimmy Hernandez, Jr., Lifeguard I, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.20
CONTRACT NO: 2001/2002-121
20. CONTRACTOR: Carlos Jaime, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-122
21. CONTRACTOR: Richard Lafollette, Lifeguard II, Step 3
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.80
CONTRACT NO: 2001/2002-123
22. CONTRACTOR: Lacee S. Lamphere, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-124
23. CONTRACTOR: Victoria M. Mendoza, Swim Instructor I, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.25
CONTRACT NO: 2001/2002-125

24. CONTRACTOR: Nova M. Nelson, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-126
25. CONTRACTOR: Beltsabe Ortega, Pool Attendant, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.40
CONTRACT NO: 2001/2002-127
26. CONTRACTOR: Joshua A. Priego, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-128
27. CONTRACTOR: Evelyn Ramirez, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-129
28. CONTRACTOR: Prici R. Ricarte, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-130
29. CONTRACTOR: Alejandro Robles, Lifeguard I, Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.20
CONTRACT NO: 2001/2002-131
30. CONTRACTOR: Estefani Sandoval, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-132
31. CONTRACTOR: Wendy L. Stewart, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-133
32. CONTRACTOR: Timothy C. Strasser, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-134
33. CONTRACTOR: Angelica Terrazas, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-135

34. CONTRACTOR: Francisco J. Torres, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-136
35. CONTRACTOR: John M. Uribe, Swim Instructor, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-137
36. CONTRACTOR: Erick Valadez, Indoor Pool Manager, Step 3
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$8.25
CONTRACT NO: 2001/2002-138
37. CONTRACTOR: Claudia Vallejo, Pool Attendant Step 2
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.60
CONTRACT NO: 2001/2002-139
38. CONTRACTOR: Virginia V. Vega, Swim Instructor I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$5.35
CONTRACT NO: 2001/2002-140
39. CONTRACTOR: Jessica L. Walgenbach, Lifeguard I, Step 1
DATES: October 1, 2001, thru September 30, 2002
RATES PER HR: \$6.00
CONTRACT NO: 2001/2002-141

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JERRY D. HUDSON** as a Structural Fire Fighter Certification Trainer, for the Fire Department at a rate of \$15.00 per hour, contract amount not to exceed \$1,920.00 The term of the contract shall be for the period of September 26, 2001 through September 25, 2002.

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*RESOLUTION

WHEREAS, the City of El Paso, as trustee, acquired title to the property described below by Sheriff's Tax Deed because no bids were received when the property was offered for sale and the officer making the sale bid the property off to the City of El Paso, all in accordance with Section 34.01 of the Texas Property Code; and

WHEREAS, the City of El Paso desires the sheriff of El Paso County to sell said property in accordance with Section 34.05, subsections (c) and (d) of the Texas Property Tax Code;

NOW, THEREFORE, BE IT RESOLVED:

THAT the City of El Paso hereby requests the sheriff of El Paso County to sell in accordance with Section 34.05, Subsections (c) and (d) of the Texas Property Tax Code a parcel of property described as:

The North 120.85 feet of Tract 182, Sunrise Acres, No. One, an Addition to the City of El Paso, as further described in Volume 110, Page 97, Deed Records of El Paso County, Texas. (PID #S912-999-001G-8200)

Lot 10, Block 35, Apollo Heights Unit Seven, an Addition to the City of El Paso, being more particularly described in Volume 1861, Page 1769, Deed Records of El Paso County, Texas. (PID #A642-999-0350-1900)

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*R E S O L U T I O N

You are hereby notified that at 9:00 a.m. on the 30th day of October, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 3321 McLean Street, in El Paso, Texas, which property is more particularly described as:

Lot: 36, Block 76, Pebble Hills Subdivision Unit 8, a Subdivision in the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 48, Page 3, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Albert M. Sarabia and Michael S. Mowles, 13781 Horizon Boulevard, El Paso, Texas 79927, Albert M. Sarabia and Michael S. Mowles, 3321 McLean, El Paso, Texas 79936-1707, Albert M. Sarabia and Michael S. Mowles, 3635 Alderwood, El Paso, Texas, are listed as the Owners of the real property described herein.

The Owners of said property are hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owners fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owners show that the property is the Owner's lawful homestead and;

III) the Owners may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owners and all other persons having an interest in the property as provided by law.

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*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 16th day of October, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 537 Emerson Street, in El Paso, Texas, which property is more particularly described as:

Lot: 1, Block 2, North Loop Gardens #1 (Except Nly Triangle)

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Alfredo Nava, 537 Emerson Street, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;

II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owner's lawful homestead and;

III) the Owner may be confined in jail as permitted by state law and;

IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

*Motion made, seconded and unanimously carried to approve that the street and drainage improvements the following subdivision be accepted for maintenance by the City. The improvements within the state limits have been completed in accordance with the approved plans and specifications.

Subdivision: I-10 Industrial Park Replat "A"

Street Improvements:

Burgundy Drive - from Betel Drive (220 ft. away) to Gateway East

Escobar Drive - from the southwest property line of Lot 1, Block 7 to the southeast property line of Lot 1, Block 11

Alza Drive - from Escobar Drive to Gateway East

Drainage Improvements:

Ponding Area - at Lot 7, Block 7; with a 5.36 ac. area and a 46.06 ac-ft capacity; 3 Thrust block structure; 520 ft. of Rockwall and 1530 ft. of Chain Link Fence; 95 ft. of 54.0" R.C.P. and 1-Junction Box with Grated Manhole; 50 ft. of 18.0" R.C.P. with 1-1 Grate Off Street Storm Drop Inlet; 65 ft. of 42.0" R.C.P. and 1-2 Grate off Street Storm Drop Inlet; and 32 ft. of 24.0" R.C.P.

20 ft. Drainage Easement R.O.W. - at Lot 6, Block 7; 1583 ft. of Rockwall Fence with 18 ft. Double Swing Gate; 792 ft. of 54.0" R.C.P. Type III; and 1-Junction Box/48.0" Manhole.

15 ft. Drainage Easement - at Lot 2, Block 7; 360 ft. of 48.0" R.C.P.

15 ft. Drainage Easement - between Lots 4 & 6, Block 9; 427 ft. of 48.0" R.C.P. & 1-Junction Box/48.0" Manhole; and 1-5 Grate off-Street Storm Drop Inlet

15 ft. Drainage Easement - at Lot 5, Block 10; 483 ft. of 42.0" R.C.P. with 1-Junction Box/48.0" Manhole & Junction Box/72.0" Manhole; and 1-7 Grate Off-Street Storm Drop Inlet.

Burgundy Drive - 98.04 ft. of 6.0' x 5.5' Concrete Box Culvert with 2-Headwall and Safety Grate; 2-6 Grate Drop Inlet Type I with 58 ft. of 30.0" R.C.P.

Escobar Drive - 1-5 Grate Drop Inlet Type I & 1- 13 Grate Drop Inlet Type II; and 38 ft. of 36.0" R.C.P. with 2-Junction Box/48.0" Manhole

Alza Drive - 1-7 Grate Drop Inlet Type II; 120 ft. of 36.0" R.C.P.; 1-Junction Box/48.0" Manhole; 372 ft. of 8.0' x 4.0' & 345 ft. of 6.0' x 4.0' Concrete Box Culvert; 2-Junction Box/48.0" Manhole; 1-13 Grate Drop Inlet Type II; 2-16 Grate Drop Inlet Type II; and 184.12' x 14.04' concrete Channel with 18 ft. Double Vehicular Swing Gate.

*Motion made, seconded and unanimously carried to authorize the use of Eight Hundred Ninety-Nine Dollars (\$899.00) from District IV Discretionary Funds to install one street light at the corner of Prince Edward Avenue and Kriska Street, in front of 5225 Prince Edward; by Representative Cook.

*Motion made, seconded and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to Texas Natural Resource Conservation Commission, in the estimated amount of \$530,000.00 for payment of State Landfill Permit #00729 [McCombs \$150,000.00 and Permit #01482 (Clint \$380,000.00) for fiscal year 2001/2002 and any extensions thereof]. Award amount is \$530,000.00 Estimated

*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

Charles H. Valdez, Labor Foreman II

*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Customer Accounts Tax Clerk II (1)
- B. Deputy Court Clerk I (1)
- C. Civil Service Commission Recorder (1)

*Motion made, seconded and unanimously carried to approve the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Police Records Specialist I (1)

*Motion made, seconded and unanimously carried to approve the request from Atanacio L. Carrillo, of the Solid Waste Management Department, for Special Sick Leave.

*Motion made, seconded and unanimously carried to approve the request from Ruben Vargas, of the Airport, for Special Sick Leave.

*Motion made, seconded and unanimously carried to re-appoint Anna Gill as an alternate to the Zoning Board of Adjustment by Representative Power.

*Motion made, seconded and unanimously carried to re-appoint Dr. Gary Wright to the Airport Board by Representative Escobar.

*Motion made, seconded and unanimously carried to re-appoint Edd Fifer to the Airport Board by Representative Sariñana.

*Motion made, seconded and unanimously carried to appoint Maria G. Calixtro to the Community Development Steering Committee by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to delete the Board Appointment of Lee Cannell to El Paso Firemen and Policemen's Pension Fund Board by Mayor Raymond C. Caballero.

*Motion made, seconded and unanimously carried to appoint Ernesto C. Armendariz to the City Accessibility Advisory Committee by Representative Cobos.

*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light(s) at the following location(s):

- | | | |
|----|----------------------------------|-----------------------------|
| A. | Alley behind 113 N. Copia St. | Estimated cost is \$464.00. |
| B. | Between 3905 and 3909 Porter | Cost: \$899.00. |
| C. | NW corner of Porter and Partello | Cost: \$899.00. |

*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #N440-000-0000-0041 & N440-000-0000-0042, \$425.26 per month installments on a balance of \$2,551.56 for 1999 & 2000 taxes; Columba Rivas - 614 Stedham Cir.
- B. PID #0824-999-1559-0034, \$251.70 per month installments on a balance of \$3,020.40 for 1996, 1997, 1998, 1999 & 2000 taxes; Opal E. Simmons, Javier Escarcega- 6161 Doniphan #102.
- C. PID #1997-999-0986-0042, \$1,176.47 per month installments on a balance of \$10,588.23 for 2000 taxes; ACU-Crimp, Inc. - 1520 Goodyear.
- D. PID #0264-999-6009-0000, \$227.89 per month installments on a balance of \$2,051.01 for 1996, 1997, 1998, 1999 & 2000 taxes; S M & Associates, Simon - 7729 Lockheed.
- E. PID #E933-999-0060-2600, \$268.68 per month installments on a balance of \$3,224.16 for 1999 & 2000 taxes; Martha Soto - 11387 Damasco Dr.
- F. PID #B315-000-0030-0300, \$185.16 per month installments on a balance of \$2,221.92 for 1999 & 2000 taxes; Rosalio & Yolanda Sosa - 11771 Pretty Acres Ln.
- G. PID's U819-000-017Z-1800, U819-000-017Z-1802, U819-000-017Z-1804 & U819-000-017Z-1806 for 1993, 1994, 1995, 1996, 1997, & 1998 taxes; Christina Guerrero - 13 Sumpter.

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 *Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Lawyers Title in the amount of \$694.49, overpayment of 2000 taxes.
 (PID #0101-999-0020-5280)
- B. Pioneer Bank in the amount of \$1,154.03, overpayment of 1999 taxes.
 (PID #V655-999-0020-3200)
- C. Homefocus Tax Service, LLC in the amount of \$4,008.59, overpayment of 2000 taxes.
 (PID #V893-999-1650-8100)
- D. The Mortgage Service Center in the amount of \$4,130.75, overpayment of 2000 taxes.
 (PID #V927-999-0450-1200)

.....
 *Motion made, seconded and unanimously carried to postpone two (2) weeks Bid No. 2001-230 El Paso Fire Department Engine Exhaust Removal System

Award to: RDS Metal Fabricators, Inc.
 Garland, TX

Department: Fire

Funds available: 04250101-PMB0001130-508008 and
 04250201-PMB0002130-508008

Funding source: Capital - City Equipment NOC

Base Bid: \$92,793.00

Total Award: \$92,793.00

RECOMMENDATION:

The Purchasing Department recommends the award of this contract to RDS Metal Fabricators, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

LUMP SUM COMPONENT

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

Base Bid: \$92,793.00
Total Recommended Award: \$92,793.00

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*Motion made, seconded and unanimously carried to award Bid No. 2001-257 Clardy Fox Branch Library Improvements

Award to: Steelcon Building Co., Inc.
El Paso, TX

Department: Library
Funds available: 71150069/530003/G7126CD0029/07626/508027

Funding source: CD
Base Bid: \$310,750.00
Alternate #1: \$ 7,950.00
Alternate #3: \$ 2,800.00
Alternate #5: \$ 2,200.00
Alternate #6: \$ 1,650.00
Total Award: \$325,350.00

RECOMMENDATION:

The Purchasing Department recommends the award of this contract to Steelcon Building Co., Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the Deputy Director for Engineering, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Director of Public Works is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

DESCRIPTION OR EXPLANATION:

Base Bid: \$310,750.00
Alternate #1: \$ 7,950.00
Alternate #3: \$ 2,800.00
Alternate #5: \$ 2,200.00
Alternate #6: \$ 1,650.00
Total Award: \$325,350.00

*Motion made, seconded and unanimously carried to approve the request of Operation Santa Claus/SFC Robert Adams to hold a toy delivery parade/ceremony on December 14, 2001 from 12:45 p.m. to 3:00 p.m. Route: Chelsea to Paisano, to St. Vrain, to Sixth, to Florence. Approximately 200 persons and 25 vehicles will take part and 150 spectators are anticipated. This request includes permission to use amplification (4 amp, 2 speakers). PERMIT NO. 01-107

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*Motion made, seconded and unanimously carried to approve the request of Ysleta High School to hold a homecoming parade on October 5, 2001 from 9:00 a.m. to 11:00 a.m. Route: Start at corner of Socorro and Zaragosa, proceed to Alameda, west to Davis, and end at the Ysleta High School stadium. Approximately 500 persons, 40 vehicles, 2 animals, and marching bands will take part and 1,000 spectators are anticipated. PERMIT NO. 01-118

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

World Apostolate of Fatima/Blue Army to hold a procession on October 20, 2001 from 7:00 a.m. to 9:00 a.m.

Representative Sumrall questioned the waiving of the fees and stated that this organization has a bank account and do not meet the definition for indigence.

Ms. Azucene G. Lopez, Secretary for the World Apostolate of Fatima/Blue Army, explained that the United States national statue of Our Lady of Fatima would be coming to El Paso on October 4, 2001. She stated that the funds in the bank account would be paying for the rental fee of the Civic Center and to pay for the event and other necessary expenditures. She stated that this organization is non-profit.

Representative Medina recommended Ms. Lopez ask the Knights of Columbus for financial assistance and he donated \$100.00 to assist the organization.

Representative Cook also donated \$100.00.

Representative Power disagreed with Representative Sumrall and stated that this is a wonderful event. Representative Escobar agreed with Representative Power and stated that the Motion should be approved with the waiver attached.

Ms. Lopez explained that the organization has been conducting bake sales and other events in order to raise the money for this event.

Representative Sariñana asked whether the event would continue if Council Members deny the waiver. He stated that he would support Ms. Lopez' cause; however, he did not stipulate the dollar amount.

Ms. Lopez stated that by God's will, they would try their best.

Representative Cobos asked if there were any recent bank statements. He asked how many people would be coming to this event.

Ms. Lopez replied that the President of the organization might have that information. She stated that approximately 1,000 people would be involved.

Representative Cobos moved to approve the parade request, Representative Sariñana seconded. There was no vote on the item due to the request by Ms. Rita Rodriguez, First Assistant City Attorney, that the item be discussed in Executive Session.

Ms. Rita Rodriguez, First Assistant City Attorney, reminded Council Members that the Ordinance must be applied consistently as it has been applied to other organizations. She requested that the item be moved to the Executive Session. There was no Motion to move the item to Executive Session; however, see action for this item on page 34 of these minutes.

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*Motion made, seconded and unanimously carried to approve the request of Bowie High School to hold a homecoming parade on October 6, 2001 from 10:00 a.m. to 12:00 p.m. Route: Start at Fourth between Coles and Cotton, south on Cotton, west on Seventh to Campbell, turn north to Fr. Rahm and head east, disband at starting site. Approximately 250 persons and 10 vehicles will take part and 3,000 spectators are anticipated. This request includes permission to use amplification (amplifiers, microphones, guitars). PERMIT NO. 01-121

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*Motion made, seconded and unanimously carried to approve the request of Juvenile Diabetes Research Foundation to hold 5k & 1 mile fun walk on October 6, 2001 from 8:00 a.m. to 10:30 a.m. Route: Exit Sunland Park Mall parking lot, right on S. Mesa Hills, right on Cabaret, right on Carousel, right on Rubin, right on Suncrest, left on Wallenberg, left back on S. Mesa Hills, enter back into Sunland Park Mall parking lot. Approximately 2,500 persons will take part. PERMIT NO. 01-117

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*Motion made, seconded and unanimously carried to approve the request of Woodall Street Residential Org. to block off Woodall between Blackwood and Suewood on September 29, 2001 from 5:00 p.m. to 11:00 p.m. for a neighborhood watch block party. Approximately 60 persons will take part and 60 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (4 speakers-100 watts, 1 microphone). PERMIT NO. 01-124

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*Motion made, seconded and unanimously carried to approve the request of Bel Air High School to hold a homecoming parade on September 26, 2001 from 6:30 p.m. to 7:30 p.m. Route: Start at Carolina to Yarbrough, north on Yarbrough, west on La Paz, east on Venado into Bel Air Stadium. Approximately 1,500 persons and 50 vehicles will take part and 5,000 spectators are anticipated. PERMIT NO. 01-123

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*Motion made, seconded and unanimously carried to approve the request of Del Valle High School to hold a homecoming parade on October 4, 2001 from 6:00 p.m. to 7:00 p.m. Route: Start at Kernel and Betel, go east on Betel to Bordeaux, continue on Bordeaux and go into Del Valle High School Conquistador Stadium. Approximately 500 persons and 50 vehicles will take part and 1,500 spectators are anticipated. This request includes permission to use amplification (speakers, microphone, megaphones/bullhorns). PERMIT NO. 01-122

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*Motion made, seconded and unanimously carried to approve the request of Pinehurst Neighborhood Watch Program to block off Pinehurst between Broadmoor and Thunderbird on September 30, 2001 from 3:00 to 8:00 p.m. Approximately 40 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT NO. 01-128

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Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

Sun Bowl Association to hold the Las Palmas Del Sol Sun Bowl Parade on November 22, 2001 from 1:00 a.m. to 4:00 p.m.

Representative Medina explained that in the past the fees for this event have been paid for by the taxpayers and that these fees should be paid for by the business community. He questioned the \$25,000.00 dollars in which the Sun Bowl Association is obligated to contribute to this event. He asked that the business community provide for the balance of the funds necessary to hold this event.

Ms. Rita Rodriguez, First Assistant City Attorney, reiterated that the amount was \$26,000.00 for this year and that the City has contracted to provide these services.

Ms. Karen Paul, Special Events Director for the Sun Bowl Association, replied that the 5% tax, attached rental vehicle leases, can only be utilized for the football game and no other Sun Bowl Association events. She understood that City Council agreed to the contract, which was signed last year, which states that the Sun Bowl Association would contribute the \$26,000.00 for this year's event and \$27,000.00 for next year's parade. She explained that the sponsors, Las Palmas and Del Sol, have the exclusive sponsorship of the parade. She explained that the Sun Bowl Association has tried to get the business community to make donations; however, due to the current economy, there has been little response.

Mr. Keith Rose, parade coordinator, was present to answer any questions.

Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to approve the request of Sun Bowl Association to hold the Las Palmas Del Sol Sun Bowl Parade on November 22, 2001 from 1:00 a.m. to 4:00 p.m. Route: Montana Street from Mesa to North/South Freeway service road. Approximately 3,000 persons, 150 vehicles and 40 animals will take part and 200,000 spectators are anticipated. This request includes permission to use amplification (floats will have sound equipment capable of being heard to curb).

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*Motion made, seconded and unanimously carried to approve the request of Kern Place Merchants Association to block off Cincinnati between Stanton and Mesa on October 20, 2001 from 2:00 p.m. to 9:00 p.m. for a block party/festival. Approximately 200 persons will take part and 200 spectators are anticipated. This request includes permission to use amplification (2 amplifiers, 2 microphones - 100 amps). PERMIT NO. 01-125
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ORDINANCE 14945

The City Clerk read an Ordinance entitled: **AN ORDINANCE LEVYING 2002 TAXES**

Ms. Rita Rodriguez, First Assistant City Attorney, explained that the item on the Agenda today is not posted under the Public Hearing title. The item was posted for public hearing last week.

Mayor Raymond C. Caballero explained that after the votes have been taken the public would be given the opportunity to make comments.

Motion duly made by Representative Sumrall, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power and Escobar

NAYS: Council Members Sariñana and Cobos Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

Ms. Teresa Caballero, speaking on behalf of people who oppose the tax hike, alluded to an initiative petition which was presented to the City on September 4, 2001. She made comments regarding the validity of this petition.

Representative Cobos stated that he was supportive of the petitioners efforts; however, a Legislative Review Committee meeting was held to review the petition and that the petition did not contain any improprieties.

Mr. Gene Pando, citizen, read from a prepared statement and commented on the signatures contained within the petition. He stated that an organization would be placing the 4,000 names on a website.

Mr. Stu Nance, a resident of El Paso since 1952, made comments regarding government by the people. He referred to Section 2.1 of the Municipal Code, Section D, which provides for a recall.

Ms. Lisa Turner, citizen, stated she has studied the property tax law, read AG (Attorney General) opinions, bought her own copy of the City Charter, etc. She has learned quite a bit and stated that individuals trying to block the levying of the taxes would not hold up in a court. She referred the individuals working on the tax rollback petition to Chapter 26, Subsection 26.07 which explains the procedure(s) to follow.

Mr. Santo "Super" Sanchez, citizen, stated he was in support of the budget. He stated that the City streets and quality of life issues need improving and that firefighters and police officers are leaving the City in search of higher paying jobs. He asked that everyone work together to get El Paso moving forward.

Mr. Ray Gilbert, citizen, stated that he supports the M&O (Maintenance and Operation) portion of the budget. He made comments on the debt levy and stated that the citizens of El Paso have been overtaxed in the debt levy for years. He stated that to relieve the taxpayers of the tax increase was to use some of the reserve. He asked if the City had a reserve in the debt levy which the City could utilize to relieve the impact on the citizens.

Ms. Rita Rodriguez, First Assistant City Attorney, stated that the City abided by all the requirements under the Tax Code which are applicable to the tax levy including all notices, public hearings, postings, etc. The item on the Agenda today was to take the vote on the Ordinance which was introduced at a previous Council meeting. The public was given ample opportunity to voice their opinions at the public hearings and budget meetings.

Mayor Caballero reiterated that the budget was submitted in July and individuals have had several opportunities to voice their comments. He referred to Mr. Gilbert's comments regarding the reserve for debt and asked Mr. Chapman to explain.

Representative Power stated that he looked into the debt service balance and questioned the need for this. He stated that he asked Mr. Bill Chapman, Chief Financial Officer, for explanation and Mr. Chapman stated that the City does need this to maintain a good credit rating. Representative Power explained that he had contacted the County of El Paso's, Chief Accounting Officer, who explained to Representative Power that the County keeps a debt service balance of zero. He asked if Council Members could place a Resolution on the Agenda which would take the \$12 million dollars in debt service and pay it down.

Mr. Chapman referred to a letter he had delivered to Council Members on September 24, 2001 which recommends that the City maintain a 20% balance of the debt service as a reserve.

Representative Medina commented on the County's \$40 million dollar surplus and stated that he had asked the County Commissioners why they had not lowered the tax rate for the County.

Mayor Caballero asked that the discussion regarding the fund balance be taken up at a future Council meeting.

Mr. Corky Hall, First Southwest Company, introduced Mr. Hector Zavaleta also of First Southwest Company. He stated that the plan of the City is to draw down the sinking fund; however, not to bring the fund down all at once and then to have it be brought back up the next year. He further stated that because the City has a relatively low per capita assessed valuation, as compared to other credits all over the country, means th the City is dependent on other sources of revenue besides the tax base, such as sales tax.

Mayor Caballero explained that after the September 11th events, people coming from Mexico to shop in El Paso has decreased significantly. The City is dependent on these retail sales, which have decreased 30-40% since then. He stated that 23% of the City's income comes from sales tax and that he is very concerned.

Mr. Hall addressed the issue of the sales tax decrease and the impact it has had on the City's overall financial picture. He stated that the fund balance would be drawn down; however, not in one fell swoop.

Mayor Caballero stated that the point of the fund balance is to assure the credit agencies that the City has the ability, even after a downturn, to meet its obligations. He asked Mr. Hall if the City has a substantial debt does it need to maintain a \$12 million dollar debt service.

Mr. Hall stated that the City does not need to maintain a \$12 million dollar debt service. The debt service is going to be drawn down; however, not at one time. He explained that the County of El Paso does not rely on the sales tax revenue, unlike the City.

Mr. Gilbert made additional comments concerning the use of the fund balance.

Mayor Caballero stated that any individual wishing to discuss this issue further could make comments after the Council meeting concludes.

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*Motion made, seconded and unanimously carried to postpone two (2) weeks an Ordinance changing the zoning of a portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021

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Motion made, seconded and unanimously carried to postpone four (4) weeks the Resolution approving Detailed Site Development Plan No. DP-00026, for a portion of Tracts 8A & 8B1, Section 36, Block 80, TSP. 2, T&P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas (11200 Montana Avenue), pursuant to Section 20.14.140 of the El Paso Municipal Code. Zone: A-M (Apartment-Mobile Home Park). Applicant: Cecilia Cueta / Representative: Acosta Engineering; 3127 Montana, El Paso, TX 79903.

Ms. Cecilia Cueta, applicant, asked Council Members to reconsider the item.

Ms. Patricia Adatao, Director of Planning, explained that Representative Power requested that the item be postponed.

Ms. Rita Rodriguez, First Assistant City Attorney, suggested that Council Members reconsider the item.

Representative Sariñana made a motion, seconded by Representative Sumrall and carried to reconsider the item.

Representative Medina was not present for the vote.

Representative Power explained why he requested the item be postponed eight weeks. He stated that there are neighbors in the area who are concerned about the Site Plan and whether it would bring a mobile home community to the neighborhood. He asked for the postponement to allow discussion with the neighbors who would like to purchase the property from the applicant in order that a park be placed there instead.

Mr. Arturo Acosta, Acosta Engineering, stated that the owners have complied with all the City requirements and have invested a large amount of money on the property. He explained that the neighbors came forward after the property was rezoned. He requested that Council Members reconsider the postponement and have the item be heard today.

Representative Power explained that the area is right off of a residential street with many children and he is concerned with the transporting of 40 mobile homes through the street and the safety of the children.

Mr. Acosta explained that there would be an alternate entrance, which would be utilized to transport the mobile homes.

Representative Sumrall questioned whether the owners of the property were interested in selling the property.

Ms. Cueta responded no, absolutely no.

Representative Sariñana asked why the item was denied by the City Plan Commission.

Mr. Acosta responded that the Department Heads approved the item; however, the City Plan Commission denied the application based on the opposition.

Representative Sariñana asked Ms. Adatao what the current zoning of the property was.

Ms. Adatao responded A/M and explained the legalities of the zoning. She stated that the DCC (Development Coordinating Committee) recommended in favor of the site plan; however, at the CPC (City Plan Commission) meeting many of the residents appeared and brought a petition with 40 signatures and 63 letters in opposition.

Representative Sariñana asked if the property has been zoned A/M and the applicant has met all City requirements, what action could the City Council take to stop the development.

Ms. Rita Rodriguez, First Assistant City Attorney, responded that it would be appropriate to discuss the item in Executive Session to provide legal advice. Representative Sariñana moved to discuss the item in Executive Session, seconded by Representative Sumrall.

This item was discussed in executive session. See motion on page 34 of these minutes.

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*Motion made, seconded and unanimously carried to postpone four (4) weeks an Ordinance changing the zoning of Lots 1 and 2, Block 2, VALLE HERMOSO, El Paso, El Paso County, Texas (126 Snelson Drive) from R-4 (Residential) and A-2 (Apartment) to C-2 (Commercial) and imposing certain conditions, the penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Dr. Armando Beltran / Representative: Fermin Dorado, Dorado Engineering, Inc., 2310 Montana, El Paso, TX 79903. ZC-01040
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ORDINANCE 14946

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-0100 TO ALLOW FOR A CONVALESCENT HOME ON A PORTION OF TRACT 20A, BLOCK 36, YSLETA GRANT, EL PASO, EL PASO COUNTY, TEXAS (8620 WINCHESTER ROAD) PURSUANT TO SECTION 20.14.040.C (ZONING) OF THE EL PASO MUNICIPAL CODE, AND IMPOSING CERTAIN CONDITIONS. THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Escobar, seconded by Representative Cook, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14947

The City Clerk read an Ordinance entitled: **ORDINANCE GRANTING SPECIAL PERMIT NO. SU-01014 TO ALLOW FOR GOVERNMENTAL USES ON A PORTION OF G. A. WILSON SURVEY NO. 91 AND A PORTION OF S. A. MAVERICK SURVEY NO. 174, EL PASO, EL PASO COUNTY, TEXAS (NORTHWEST CORNER OF DONIPHAN DRIVE AND ATLANTIC ROAD) PURSUANT TO SECTIONS 20.36.040.A AND 20.42.040.B (ZONING) OF THE EL PASO MUNICIPAL CODE.**

Ms. Patricia Aauto, Director of Planning, explained the special permit for Council Members' information.

Motion duly made by Representative Cobos, seconded by Representative Sariñana, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Power, Escobar, Sariñana and Cobos

NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

*Motion made, seconded and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 4510 Arlen Avenue in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to postpone one (1) week the public hearing to determine if the property located at 10701 Pleasant Hill Drive in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

Mr. Thomas Maguire, Building Services Department, presented the case to Council Members.

Representative Cook asked that Mr. Maguire explain the remarks he made to the property owner and explain what was needed to correct the violations.

Mr. Maguire explained that he had asked the property owner if he could somehow meet the set back requirements, the Department would allow the structure to remain.

Representative Cook remarked that the property owner would have to purchase the right-of-way from the El Paso Electric Company in order to comply.

Mr. Maguire explained that the easement is not only used for illegal dumping but also to allow access to Electric Company equipment. The setbacks existed when the property owner constructed the addition to his property. The only alternative would be to demolish the structure.

Representative Cook explained that the property owner has made numerous attempts to lease the 25 foot setback from the Electric Company.

Mr. Maguire explained that leasing was not an option and in order for the property owner to maintain the 25 foot setback, the 25 feet would have to be part of his property.

Ms. Rita Rodriguez, First Assistant City Attorney, stated that there are legal issues that need to be examined and asked for the item to be postponed for one week.

Representative Medina asked whether the property owner was informed about the set back when he applied for the permit to construct the addition.

Mr. Maguire responded that there were several phases of the construction and explained these phases to Representative Medina. He explained that the concern is regarding the single story structure that was built without permits, inspections and plans.

Mr. Charlie McNabb, Chief Administrative Officer, asked that the item be postponed for one week.

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No action was taken regarding the presentation by Central Appraisal representative regarding appraisal process and methods.

Mr. Jerry Griffin, Director of Evaluation with the El Paso Central Appraisal District, explained what the Central Appraisal District does and presented Council Members with the methods and procedures for appraisal practices. He noted that property owners are allowed to protest their property values. He explained that in 1980 the State of Texas paid 54% of the school funding and the local effort was 45%. He stated that in the year 2000, the State of Texas provided 46% of school funding and local effort is 53% which is why property owners are feeling a greater local effort from the taxing entities at the County, school and City levels. The dollars which were previously coming from the State of Texas to pay for public education are no longer forthcoming. He noted that there are 25 individual taxing entities, as well as the Downtown Management District. The State Property Tax Code mandates that the Appraisal District have the appraisers certified and that each appraiser is required to complete a five year process to become a Certified Professional Registered Appraiser, as well as re-certification every five years. There are currently 35 appraisers and three appraiser analysts on the appraisal staff who are responsible for reappraising all 344,000 parcels of property on the appraisal roll every three years.

Representative Medina asked Mr. Griffin which states are public disclosure states.

Mr. Griffin responded California, Oklahoma and others.

Representative Medina explained that he had served on the Central Appraisal District (CAD) board for a number of years and that the CAD is a very organized office. He asked Mr. Griffin how the City of El Paso could help the CAD with their property appraisals and does the City provide for the fee appraisals or copies of leases that the City enters into with other entities or businesses, to the CAD.

Mr. Griffin responded that the CAD has requested information from the City Attorney's office for information regarding the Airport and Butterfield Trail tracts. The CAD is required by the Property Tax Code to appraise the possessory interest in the properties not appraised at market value. The CAD needs copies of current lease information on the buildings from the persons leasing the land from the City.

Mr. Charlie McNabb, Chief Administrative Officer, explained that the City Attorney's office is processing the request and that the City Attorney's office has provided space for the CAD to make copies, etc. to further assist them in their research.

Mr. Griffin thanked Mr. McNabb and the City Attorney's office for their assistance. He stated that before the reappraisal notices are mailed to the property owners, the CAD invites the downtown community and business owners to look at the appraised values. The CAD also goes to the various areas of the City and asks realtors to preview the values of the properties.

Representative Power commented on the use of the income approach which he feels is unfair to home and property owners. He asked that the CAD use the market approach rather than the income approach in assessing the taxpayer(s). He commented on the downtown business owners who have been delinquent, for many years, in their taxes.

Mr. Griffin explained how the fee appraiser determines the value of the property. The fee appraiser utilizes three cost approaches: 1. cost approach; 2. market approach; and 3. income and expense approach. The approach that is most applicable to the piece of property is what the appraiser is required to use according to the Uniformed Standards of Professional Appraiser Practices adopted by all the states in the union.

Representative Cook questioned whether it was possible to freeze the value of properties, under the Property Tax Code.

Mr. Griffin stated only for school district purposes. He stated that there is another residential homeowner exemption called "the Optional Homestead Exemption", under Section 11.13 of the Property Tax Code. He explained that this is a percentage exemption which comes from the appraised value of the property, up to 20% of the appraised value of the property. There is nothing in the Property Tax Code which allows for the freezing of properties in certain areas of the City to encourage redevelopment.

Representative Cobos stated he agreed with Representative Power's comments in that homeowners are paying more than their fair share and he would like to see commercial real estate appraised in the same manner that private homeowners receive their appraisals. He asked Mr. Griffin whether commercial property owners hire professionals to lobby the CAD to persuade the CAD to lower the taxes.

Mr. Griffin remarked that more commercial property owners have the income to hire a property tax agent than individual homeowners. He stated that commercial property owners do not lobby the CAD for anything.

Representative Sumrall stated that, in her opinion, many small downtown property owners are being penalized; however, owners of buildings that are empty and falling down are not being charged their fair share.

Mr. Griffin agreed with Representative Sumrall's comments. He explained that the CAD relies on the cost information so that the tax abatement process is followed correctly.

Mayor Raymond C. Caballero stated that the community is not quite satisfied with the current system. He would like to see further review of the process to determine why one method is utilized over another.

Representative Medina added that a large part of the blame should be placed on the municipal government regarding the value of downtown properties. Municipal governments have not enforced the Ordinances that keep properties from becoming dilapidated.

Mayor Caballero asked Representative Medina to coordinate a Legislative Review Committee meeting to further discuss this matter.

Representative Sumrall suggested that the other taxing entities be invited to this Legislative Review Committee meeting.

Representative Medina suggested placing the item on the Central Appraisal District's Agenda.

.....
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to authorize the Director of Purchasing to issue a Purchase Order to El Paso Central Appraisal District for the City's statutory portion in the amount of \$1,657,449.00 (estimated) of the Central Appraisal Districts budget for Fiscal Year 2001/2002.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to delete the discussion regarding: we in the Northeast would like to see a Homeless Shelter and/or Battered Women's Shelter, Rescue Mission is too far away for our homeless veterans. An example of a site would be the abandoned Furr's on Kenworthy or the Old Cappettos.

.....
Motion made by Representative Cook, seconded by Representative Medina and unanimously carried to delete the discussion regarding: 1) a Happy Days type drive-in(s) for the Northeast as wholesome gathering places to socialize; 2) a Truck Stop (too many 18-wheelers parked at Burger King on Rushing); and 3) a big, huge Mall located somewhere between Stars Wars Center and Chaparral (enlist Mr. Bowen's help and visionary ideas).

.....
Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to refer the proposal for forming a 501(c)(6) company which would oversee the operation of the Convention Center, Abraham Chavez Theatre and the Visitors Bureau to a Joint Legislative Review meeting between appointees from the Civic Convention & Tourist Department and appointees from the County Commissioners Court Department.

Mr. Mark D. Clark, President of the Hotel/Motel Association, provided copies of his proposal for Council Member's information. He requested that Council Members approve the formation of the 501(c)(6) non-profit corporation to take over the management of the El Paso Convention and Visitor's Bureau. He explained that the not for profit corporation would contain City and industry leaders chosen by the City, County and Hotel/Motel Association. The Board's sole interest would be to promote and increase tourism to the City of El Paso and would be operated by El Pasoans.

Representative Sumrall asked how the employees would be paid and what benefits would the employees receive.

Mr. Clark answered by stating that this information is explained in the proposal which was handed out to the Council Members.

Representative Sumrall stated that she has never heard of any taxing entity, or the City of El Paso, financially supporting a 501(c)(6) unless through Community Development. She could not approve the item today and is very skeptical.

Representative Medina stated that this item requires more information and public participation.

Mayor Raymond C. Caballero commented that this proposal deserves more consideration and suggested that Mr. Clark and all other interested parties schedule a meeting for the future.

Mr. Clark stated that this proposal was submitted in July and remarked on the County's funding provided to the Convention and Visitor's Bureau (CVB).

Representative Medina moved to send the item to the CVB Legislative Review Committee. There was no second to his Motion.

Representative Cook stated that the Commissioner's Court has not been considered and asked Representative Medina to modify the Motion to make this a joint session of the Legislative Review Committee and appointees from the Commissioner's Court.

Representative Medina accepted Representative Cook's motion and Representative Cook seconded the Motion.

Representative Sumrall suggested that the meeting be held in the early evening to allow individuals from the business and industry community to be heard.

Representative Sariñana commended Mr. Clark for bringing this item to Council Members. In his opinion, SMG is not doing what they are supposed to be doing and not representing the City appropriately. He noted that the 501(c)(6) is working in other cities and wondered why it would not work in El Paso.

.....
No action was taken on the discussion regarding the Resolution to eliminate the fees (10% fee) for Project Management Inspection and Contract Compliance as they pertain to the Quality of Life Bond Projects approved by the voters in May, 2000. (This was corrected from May, 2001 as shown on the Agenda.)
(Representative Power)

Representative Power stated that during a recent BOAC meeting the members of the BOAC were alarmed at the fees charged by Building Services and Engineering Departments. He stated that he had spoken with Mr. Charlie McNabb, Chief Administrative Officer, and Mr. Bill Chapman, Chief Financial Officer, who explained why the fees were necessary. He requested that there be no action taken on this item.

Representative Sumrall asked why some City Department's are charging the Bond projects twice for the same matter, for example, payroll.

Mr. McNabb stated that Bond funds could be utilized for the total project cost. He explained that there are employees in the City who are paid with funds from different sources such as grants or bond funds.

Representative Sumrall questioned the hiring of experts to alleviate some of the overworked employees.

Mr. McNabb stated that this is planned for every year, part of the work is provided by private sources and the other part provided by City employees. He noted that information requested by Representative Power would be distributed to all Council Members, as well as, members of the BOAC.

Ms. Carole Hunter, City Clerk, commented for the record that the Bond projects were approved in May of 2000 and would make the appropriate correction.

Public Hearing was held to receive public comments regarding the proposed use of a payment in the amount of \$576,891.00 to the City of El Paso Police Department under the Local Law Enforcement Block Grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the purposes of reducing crime and improving public safety. The City proposes to do this by purchasing equipment and technology.

Representative Sumrall asked whether these monies would involve hiring police officers. Captain Roy Davis, El Paso Police Department, stated no the monies would be utilized to purchase equipment. There were no comments from the public.

Motion made by Representative Sariñana, seconded by Representative Cook and unanimously carried to close the Public Hearing to receive public comments regarding the proposed use of a payment in the amount of \$576,891.00 to the City of El Paso Police Department under the Local Law Enforcement Block Grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the purposes of reducing crime and improving public safety.

Representative Medina was not present for the vote.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That having conducted a public hearing in order to receive public comments regarding the proposed use of the payment in an amount that will not exceed \$576,891.00 to the City of El Paso Police Department under the Local Law Enforcement Block Grant from the U.S. Department of Justice, Bureau of Justice Assistance, for the purposes of reducing crime and improving public safety, the funds be obligated; and that the Mayor be authorized to sign and submit documentation to the U.S. Department of Justice relating to the public hearing and the expenditure of the funds.

Motion made by Representative Sariñana, seconded by Representative Escobar and carried to approve the above Resolution.

Representative Cobos was not present for the vote.

ADDITION TO THE AGENDA

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to sign an Agreement between the City of El Paso and MUSIC FORUM, a collaboration of professional musicians in El Paso, to provide for concerts at the El Paso Museum of Art on a monthly basis between September, 2001, and May, 2002. Such concerts shall be provided at no cost to the City.

Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

R E S O L U T I O N

WHEREAS, Karjée Concrete Contractors, Inc. ("Contractor") entered into a contract with the City of El Paso ("City"), executed on December 8, 2000, for the Fire Station No. 9 Addition and Renovation Project ("Project"); and

WHEREAS, Contractor has failed to finish the contract within the specified time, as agreed to in the Fire Station No. 9 Addition and Renovation Contract ("Contract"); and

WHEREAS, the City has given Contractor numerous written notifications of its failure to finish the Contract and its accrual of Liquidated Damages; and

WHEREAS, the City has given Contractor numerous written notifications of its failure to finish the Contract and the City's available legal recourse, pursuant to Contract stipulation, should continued failure to complete said Contract continue;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Karjée Concrete Contractors, Inc. is hereby declared to be in violation of the provisions of the Contract in that:

1. Contractor has failed to perform the work with sufficient workmen, equipment and materials to assure the prompt completion of the work.
2. Contractor has failed to perform the work in accordance with the contract requirements.
3. Contractor has discontinued the prosecution of the work.
4. Contractor has failed to resume work that has been discontinued within a reasonable time after notice to do so.
5. Contractor has failed to carry on the work in an acceptable manner.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT it is the intent of The City of El Paso to terminate the Contract in accordance with Section 6.9 thereof due to violation of the provisions of the Contract by the Contractor unless, within ten (10) consecutive calendar days after the serving of notice of intent to terminate upon the Contractor, such violations or delays shall cease and arrangement for correction, satisfactory to the Deputy Director of Engineering, shall be made.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Attorney's Office shall serve upon the Contractor written notice of intent to terminate the Contract, to contain the above reasons for such intent, and unless within ten (10) consecutive calendar days after the serving of such notice upon the Contractor, such violations or delays shall cease and such satisfactory arrangement for correction be made satisfactory to the Deputy Director of Engineering, the Contract shall, upon the expiration of said ten (10) consecutive calendar days, cease and terminate. In the event of such termination, the City Attorney's Office shall immediately serve notice thereof upon the Surety and the Contractor.

Representative Medina asked for an elaboration on the item.

Mr. Gonzalo Cedillos, Deputy Director of Engineering, explained that the Engineering Department has kept in close contact with the company; however, this project has not run smoothly. This project is near completion and that this Notice would allow Karjee Company to finish the project within ten (10) days.

Representative Medina asked Ms. Beatrice Ledesma, CEO/President of Karjee Concrete Contractors, Inc., why the Engineering Department experiences so many difficulties with this company.

Ms. Ledesma responded that she has had difficulties establishing herself in this industry and stated that the project could be completed in the ten days. She stated that the company has come under some financial difficulties and has asked the City for joint checking so that the company could pay the suppliers, which was denied. She asked that the City allow Karjee to finish the project.

Mr. Kareem Dallo, Construction Section of the Engineering Department, stated that the contractor is three months behind schedule. He explained that if Council Members pass the Resolution the contractor would not be in default; however, if the project is not completed in the ten days, the contractor would be in default and subsequently the contract would be terminated.

Mr. Byron Johnson, Director of Purchasing, added that the Purchasing Department has received numerous letters from the subcontractors which state that the subcontractors would be taking action against the bond and the surety, due to lack of payment. Also, when the liquidated damages are applied, there would not be sufficient funds to pursue the joint checking. Since the project is already three months behind and with the liquidated damages being assessed daily, he did not see this as a viable option. One other concern, he noted, was the subcontractor providing the roof has notified the Purchasing Department that they would not provide any warranty until they are paid. In order for the job to be complete all warranties must be in place. He recommended that Council Members proceed with the Notice to Terminate.

Representative Sariñana questioned if Council Members approve the Notice to Terminate would the project not be delayed.

Mr. Dallo explained that by passing the Resolution today, Karjee has the ten days to complete the project. If the project is not completed in the ten days, the contract would be terminated.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to approve the above Resolution.

.....
***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Acknowledgment expressing the City's desire to exercise its option to renew and extend the leases with the University of Texas System at no cost to the City, for the period of April 1, 2002, to March 31, 2012, for the property located at 5304-5308 El Paso Drive, and the period of October 1, 2001, to September 30, 2011, for the property located at 5310 El Paso Drive.
.....

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor is authorized to execute an agreement between the City of El Paso and OpSanta, Inc. for the Operation Santa Claus presentation of toys to El Paso children which constitutes an important public purpose of benefit to the City and citizens of El Paso; and the agreement provides that the City will provide the necessary funds to cover the costs of the on-duty police traffic control assistance, not to exceed twelve (12) on-duty police officers and twelve (12) vehicles for the parade.

.....
Motion made, seconded and unanimously carried to move to the Regular Agenda the following:

RESOLUTION APPROVING
AMENDMENTS TO THE ARTICLES OF INCORPORATION
OF EL PASO HOUSING FINANCE CORPORATION
INCREASING THE NUMBER OF DIRECTORS
AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT

WHEREAS, the Texas Housing Finance Corporations Act, Chapter 394, Texas Local Government Code, authorizes the creation and organization of non-profit housing finance corporations to act as duly constituted authorities of cities and counties to provide a means of financing the costs of residential ownership and development that will provide decent, safe and sanitary housing for persons of low and moderate income at prices they can afford; and,

WHEREAS, on August 28, 1979, the City Council of the City of El Paso, Texas, by a Resolution, approved the creation of El Paso Housing Finance Corporation; and

WHEREAS, the Secretary of State of Texas, on September 10, 1979, accepted for filing the Articles of Incorporation of El Paso Housing Finance Corporation, a copy of which is attached hereto as Exhibit "A"; and, (Exhibit on file with this Resolution in the City Clerk's Office).

WHEREAS, on October 15, 1985, the City Council of the City of El Paso, Texas, by a Resolution, approved Amendments to the Articles of Incorporation of El Paso Housing Finance Corporation; and

WHEREAS, the Secretary of State of Texas, on October 30, 1985, accepted for filing the Amendments to the Articles of Incorporation of El Paso Housing Finance Corporation, a copy of which is attached hereto as Exhibit "B"; and, (Exhibit on file with this Resolution in the City Clerk's Office).

WHEREAS, Chapter 394.016(c), Texas Local Government Code, provides that the governing body in its sole discretion may amend the articles of incorporation to change the structure, organization, programs, or activities of the housing finance corporation, and

WHEREAS, the City Council of the City of El Paso is the Governing Body of the Local Government for the El Paso Housing Finance Corporation within the meaning of the Texas Housing Finance Corporations Act, and

WHEREAS, the City Council finds that, in its discretion, it is in the public interest and appropriate to increase the number of directors on the Board of Directors for the El Paso Housing Finance Corporation from six (6) to seven (7) members.

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS:

30-1

Section 1. That the City Council finds that it is wise, expedient, necessary and advisable that the Articles of Incorporation of the El Paso Housing Finance Corporation be amended to increase the number of directors from six (6) to seven (7) directors.

Section 2. That the Mayor and City Clerk are authorized to execute the Articles of Amendment of El Paso Housing Finance Corporation, attached as Exhibit "C" to this Resolution, and to cause them to be filed with the Secretary of State. (Exhibit on file with this Resolution in the City Clerk's Office).

Section 3. That this Resolution shall take effect immediately from and after its adoption.

Mayor Raymond C. Caballero explained that the Board currently has six members, an even number, and requested that the number of members be increased by one. As explained by Mr. Charlie McNabb, Chief Administrative Officer, the Articles of Incorporation must be submitted to the Secretary of State.

Representative Medina asked if any other changes to the Articles of Incorporation were added.

Mayor Caballero responded only the number of Board Members.

Motion made by Representative Medina, seconded by Representative Cook and unanimously carried to approve the above Resolution.

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Undergraduate Intern Employment Contract between the **CITY OF EL PASO** and **CHANA BOUNDS**, as an Undergraduate Intern for the Mayor's Office at the rate of \$7.25 per hour, up to 20 hours per week, on a one-year contract. The term of the contract is from September 28, 2001 through September 27, 2002. This is subject to the approval of Civil Service Commission.

.....
Motion made by Representative Cook, seconded by Representative Sumrall and unanimously carried to delete the Resolution that the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JAMES O. MANLEY** as a Financial and Legislative Liaison, for the Office of Management and Budget Department.

Mayor Raymond C. Caballero explained that Mr. Manley decided not to pursue this endeavor and asked that the item be deleted.

.....
*Motion made, seconded and unanimously carried to approve the request of Irvin High School to hold a Homecoming Spirit Parade on September 27, 2001 from 6:00 p.m. to 7:00 p.m. Route: Begin at Irvin's North side parking lot, right on Sanders to Roanoke, right on Roanoke to Wren, Wren to Shoppers, right on Shoppers to Sanders, right on Sanders to end at the Irvin football field entrance.

.....
*Motion made, seconded and unanimously carried to delete the item that El Paso council shall set tax rate for FY2002 at .645/\$100 equal to FY2001 of @.66/\$100. (Jaime O. Perez)

Motion made by Representative Cook, seconded by Representative Sariñana and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Representation of the City of El Paso by Winstead Sechrest & Minick (551.071)
- B. Request of World Apostolate of Fatima/Blue Army to hold a procession on October 20, 2001 from 7:00 a.m. to 9:00 a.m. Route: Start at Arizona and Stanton, proceed west on Arizona to Oregon, left on Oregon to Main and finish at front entrance to Civic Center. Approximately 500 persons will take part. Request waiver of fees for \$15.75 for processing of application and waiver of fees for necessary police traffic assistance. Signed affidavit submitted. PERMIT NO. 01-120
- C. Resolution approving Detailed Site Development Plan No. DP-00026, for a portion of Tracts 8A & 8B1, Section 36, Block 80, TSP. 2, T&P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas (11200 Montana Avenue), pursuant to Section 20.14.140 of the El Paso Municipal Code. Zone: A-M (Apartment-Mobile Home Park). Applicant: Cecilia Cueta / Representative: Acosta Engineering; 3127 Montana, El Paso, TX 79903.

Motion made by Representative Sumrall, seconded by Representative Power and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows;

.....

Motion made by Representative Cook, seconded by Representative Sumrall and carried to approve without* waiver of fees, the request of World Apostolate of Fatima/Blue Army to hold a procession on October 2, 2001 from 7:00 a.m. to 9:00 a.m. Route: Start at Arizona and Stanton, proceed west on Arizona to Oregon, left on Oregon to Main and finish at front entrance to Civic Center. Approximately 500 persons will take part. Waiver of fees for \$15.75 for processing of application and waiver of fees for necessary police traffic assistance was not approved. PERMIT NO. 01-120

Representatives Sumrall, Rodriguez, Medina and Cook voted Aye to approve without waiver of fees. Representatives Power, Escobar, Sariñana and Cobos voted Nay. Mayor Raymond C. Caballero broke the tie and voted aye to approve the request without the waiver of fees.

Representative Escobar asked that Ms. Azucene G. Lopez provide the City Clerk, Ms. Carole Hunter, with the necessary information so that the Representatives might assist the World Apostolate of Fatima/Blue Army with the expenses.

Ms. Hunter reiterated that the information is already included in the Representative's backup materials.

.....

Motion made by Representative Power, seconded by Representative Sumrall and unanimously carried to postpone for four (4) weeks the Resolution approving Detailed Site Development Plan No. DP-00026, for a portion of Tracts 8A & 8B1, Section 36, Block 80, TSP. 2, T&P RAILWAY CO. SURVEYS, El Paso, El Paso County, Texas (11200 Montana Avenue), pursuant to Section 20.14.140 of the El Paso Municipal Code. Zone: A-M (Apartment-Mobile Home Park). Applicant: Cecilia Cueta / Representative: Acosta Engineering; 3127 Montana, El Paso, TX 79903.

Representative Cobos was not present for the vote.

.....

Motion made by Representative Medina, seconded by Representative Cook and carried that the City of El Paso waives any existing conflicts of interest of the firm **WINSTEAD SECHREST & MINICK**.

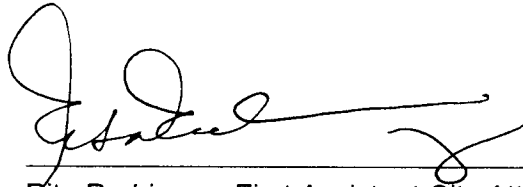
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried to adjourn this meeting at 12:50 p.m.

APPROVED AS TO CONTENT:

Carole Hunter

Carole Hunter, City Clerk

APPROVED AS TO FORM:



Rita Rodriguez, First Assistant City Attorney

